

Exhibit A

Outboard Marine Corp., Inc. Superfund Site

Supplemental Consent Decree

**City of Waukegan City Council Authorization
Ordinance No. 01-0-123**

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF PROPERTY
THROUGH CONDEMNATION OR OTHERWISE**

WHEREAS, the City of Waukegan is empowered, pursuant to its home rule powers and pursuant to the Illinois Municipal Code, 65 ILCS 5/11-61-1, to acquire by eminent domain real property useful, advantageous or desirable for municipal purposes or the public welfare; and

WHEREAS, the acquisition of the real property legally described in Exhibit A which is attached hereto and made a part hereof and hereinafter referred to as the "Subject Property" for redevelopment requires the exercise of powers and performance of functions pertaining to the government and affairs of the City.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Waukegan, Illinois, as follows:

Section 1: That it is hereby determined that acquisition of property for redevelopment by the City of Waukegan is a public purpose.

Section 2: That under the authority vested in the corporate authorities of the City of Waukegan through the statutes of the State of Illinois and the home rule powers and ordinances of the City, it is hereby determined that it is necessary and desirable that the City shall acquire title to and possession of the Subject Property, and the acquisition is necessary and convenient to achieve the public purpose of redevelopment.

Section 3: That the law offices of Diver, Grach, Quade & Masini and The Jeff Diver Group, be and are hereby authorized, empowered and directed to negotiate personally or through its representatives for and on behalf of the City with the owner or owners of the Subject Property for the purchase thereof by the City.

Section 4: That in the event that said law firms or their agents are unable to agree with the owner of the Subject Property as to the compensation to be paid therefore, then fee simple title to and possession of the Subject Property shall be acquired by the City of Waukegan through condemnation and the law offices of Diver, Grach, Quade & Masini and The Jeff Diver Group, as attorneys for the City of Waukegan, are hereby authorized, empowered and directed to institute proceedings in any court of competent jurisdiction to acquire fee simple title to and possession of said Subject Property for said City in accordance with the eminent domain laws of the State of Illinois and also pursuant to its home rule powers and the ordinances of the City of Waukegan.

Section 5: This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the terms of the current or subsequent non-preemptive state law; or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of Waukegan that to the extent that the terms of this ordinance should be inconsistent with non-preemptive state law, said terms shall supersede said state law to the extent of said inconsistency.

Section 6: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

MAYOR DANIEL T. DREW

ATTEST:

WAYNE MOTLEY, City Clerk

Presented and Read at a regular meeting of the Waukegan City Council on the 12 day of November, 2001.

Passed and Approved at a regular meeting of the Waukegan, City Council on the 12 day of November, 2001.

ROLL CALL: Aldermen Balen, Figueroa, Harris, TenPas, Needham, Hyde & Cunningham

AYES: Aldermen Balen, Figueroa, Harris, TenPas, Needham, Hyde & Cunningham

NAYS: None

ABSENT: Alderman Rickerd

ABSTAIN: None

Property Description: to-be-acquired Outboard Marine Corporation property

That property, owned by Outboard Marine Corporation, which is the subject of:

1. The Trustee's Motion for Approval of Abandonment of Real Property and Records Related to Real Property," filed on or about November 2, 2001, in the proceeding known as In Re Outboard Marine Corporation, et al., Case No. 00 - 37405, pending in the Bankruptcy Court for the Northern District of Illinois (the "OMC Proceeding"). This Property is sometimes referred to as 80, 90 and 100 Seahorse Drive, and sometimes referred to as the "North Plant" or "Plant 2" Property.

And,

2. The Motion of the Trustee for Authority to Sell Estate's Interest in Real Property," filed on or about November 2, 2001, in the OMC Proceeding. This Property is sometimes referred to as the "Coke Plant Site," and lies between the North Plant Property and the Plant No. 1 property acquired by Bombardier.